

CHAPTER 310: PERSONNEL

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311 RECRUITMENT

A. COOPERATING AGENCIES

Recruitment of fire suppression personnel from cooperating rural fire district, county, State, Tribal and Federal agencies will be in accordance with pre-fire cooperative agreements, annual operating plans and mutual aid agreements. Summary listings of agreements currently in force are in the DNRC - Fire Authorization 200 Manual.

Land Offices may also complete local pre-fire arrangements for contract crews. See Section 312.72 of this manual for further information.

B. EMPLOYMENT OF 16- TO 18-YEAR-OLDS AND STATE OF MONTANA RETIREES

1. Employment of 16- to 18-Year-Olds

Employment of EFFs between the age of 16 and 18 should be held to a minimum and only used, if absolutely necessary, for the successful conduct of fire presuppression operations. These EFFs will not be involved in actual firefighting or work activities that are considered hazardous.

2. Employment of State Retirees

Retired State of Montana employees may be employed as DNRC EFFs, subject to the following conditions:

- A retiree must be retired at least 30 days and receive one benefit check before accepting a PERS-covered job.
- The law imposes some limits on working retirees depending on your age.
 - 960 hours of employment if you are less than age 65.
 - 960 hours or an earning limit if your are age 65 or older.
 - No earning limit will apply to any retiree who is age 70½ or older.
- The limits apply to each calendar year, and the MPERA will only reduce your benefit when you exceed the limit.
- There are no legal restrictions on the type of EFF duties to be assigned, provided the retiree is physically and otherwise qualified.

- Regular EFF employment procedure, rates of pay, timekeeping, worker's compensation, and other procedures apply.

Additional information can be found in the Montana Public Employee Retirement Handbook, July 2003, available in State agency personnel offices or at the following website:

<http://www.state.mt.us/doa/perb/docs/PersDBRPhandbook.pdf>

C. EMERGENCY FIREFIGHTER (EFF) EMPLOYMENT FORMS

See IBMHB, Chapter 50, Section 51, Exhibit 01 – Montana DNRC Hiring Documents. See Appendix A for sample DNRC employment forms. Hard copies of these forms may be obtained electronically on the following website, except for the PERS forms. PERS forms must be obtained through DNRC Payroll in Helena or on the PERS website.

<http://dnrc.mt.gov/forestry/fire/business/forms.asp>

D. ORDERING PROCEDURES

Ordering procedures for both cooperating agency personnel and Emergency Firefighters will be as described in DNRC Fire Suppression 900 Manual, Section 920--Dispatch/Coordination Channels.

Land Office Line Officers are encouraged to advise Incident Commanders (IC) that the IC has authority to determine that if less hazardous areas or duties occur within the fire suppression operation, personnel of lesser qualification may be used in these less hazardous areas--PROVIDING THAT NO UNSAFE ACTIONS ARE LIKELY TO OCCUR from such use. In such cases, use of locally recruited crews could result in substantial cost savings over transporting higher-qualified crews from distant sources. With proper judgment by the Incident Commander, it is entirely permissible to employ both highly qualified and lesser qualified but well-supervised crews at different times or different portions of the same fire area.

312 PAY PROVISIONS

See NWCG Interagency Incident Business Management Handbook (Chapter 50).

A. MONTANA DEPARTMENT OF CORRECTIONS (INMATE FIRE CREW)

Refer to DNRC - Fire Authorization 200 Manual – Montana Department of Corrections (DOC) /Montana Department of Natural Resources and Conservation Agreement and DOC/DNRC Annual Operating Plan.

B. MEAL PER DIEM, VEHICLES, CELL PHONE & LAPTOP GUIDELINES

1. Meal Guidelines:

- a. The State of Montana may provide meals for personnel directly involved in fire suppression actions as follows:

- 1) Meals may be provided when the personnel are directly involved in the suppression of an ongoing fire. Crews involved in the fire mop-up and patrol activities, and who are operating out of their base headquarters daily, do not qualify for meals unless covered under a. and b. in #2 below.

Fire meals may be:

- a) Meals served in fire camps.
- b) Sack lunches, hard rations, etc., served on the firelines.
- c) In lieu of setting up a fire camp for fireline feeding, the Land Office may provide:
 - (1) Fire meals served in State-operated field kitchens.
 - (2) Fire meals contracted for at local restaurants (see DNRC Procurement Manual for Restaurant Authorization Form and also on this website:

<http://dnrc.mt.gov/forestry/fire/business/forms.asp>

2) Meals may be provided to firefighting personnel not involved in the direct suppression of a going fire when the situation is such that:

- a) It is necessary to hold these personnel in close proximity for rapid dispatch to anticipated new fires.
- b) It is necessary to ensure that these personnel will be immediately available for dispatch to going fires and direct suppression actions due to a change in fire suppression needs. Fire situations must verify the probable need to use the squad prior to their next shift.

b. The State of Montana may provide meals for personnel involved in support of fire suppression forces as follows:

- 1) Meals may be provided when the work schedule for support personnel (dispatchers, radio operators, fire coordinators, warehousemen, etc.), is such that the mealtime is uncertain and must be scheduled during a break in actions.

c. **Allowable Rates:**

- 1) Fire Camp Meals--Actual cost of meals.
- 2) State-Operated Field Kitchens--Actual cost of meals.
- 3) Sack Lunches--Actual costs (see DNRC Purchasing Manual for information on competitive bids for sack lunch meals).
- 4) Contracted Restaurants: State per diem rates should be used as a guide when determining allowances for firefighter meals.* The current acceptable daily allowance of \$23.00 per day per individual is considered adequate and can be used to negotiate meal costs with the restaurant. For example, you can allow up to \$7.66 per meal and still be within the daily allowance. Fire crews going directly to or coming from the fireline are entitled to a \$12.00 fire meal. Employees in travel status shall follow State per diem rates of:

	<u>In State</u>	<u>Out of State</u>
Breakfast	\$ 5.00	\$ 6.00
Lunch	\$ 6.00	\$ 6.00
Supper	\$12.00	\$16.00

**Subject to periodic change.*

Gratuities: DNRC will pay tips **only** when feeding a fire crew. Some establishments automatically add a 15% gratuity for groups over five (5).

2. **Per Diem Guidelines:**

Normal firefighting operations by DNRC provide the firefighter with food and lodging in lieu of per diem. Under special circumstances, per diem may be allowed for expenses incurred prior to food and lodging being provided by the State. These instances, however, are rare and must be accompanied by a justification statement signed by the Division Administrator when applying for reimbursement via a travel expense voucher, when the lodging exceeds the allowable State rate. Some federal personnel (smokejumpers) may request per diem accommodations in lieu of State fire camp facilities. DNRC does not provide these arrangements. If these crews stay at facilities other than those provided by DNRC, they do so at their own expense.

Lodging for crews at motels and feeding at restaurants is handled via pre-determined contracts, instead of per diem forms. Motel allowances per individual shall not exceed the current acceptable State of \$60.00 plus tax and in high costs cities variable rates plus tax. Exceptions must be justified on the bill.

The per diem rates for Montana are available through the Internet at the following location:

http://www.gsa.gov/Portal/gsa/ep/contentView.do?queryYear=2005&contentType=GSA_BASIC&contentId=17943&queryState=Montana&noc=T

The DNRC Restaurant Authorization can be found through the Internet at the following location:

<http://dnrc.mt.gov/forestry/fire/business/forms.asp>

3. **Rental Vehicle, Cell Phone and Laptop Guidelines**

These items are not authorized unless requested by the host agency and noted in the remarks section of "ROSS" by the Geographic or Zone Interagency Dispatch Center.

a. **Cell Phones and Laptops**

If an individual elects to bring a cell phone or laptop and authorization is received from the host agency, you are then required to obtain "E"/"S" numbers at the incident for expense reimbursement. Claims for damages/loss need to be pursued through established procedures.

If cell phone use is authorized, the resource order or signed authorization from the line officer must be attached to the cell phone bill when submitted for payment. If the use was not authorized by a resource order or line officer's written approval, the cell phone use must not be charged against a fire org center. Use of a State owned laptop must be requested on a resource order and given an "E" or "S" number.

b. **Rental Vehicles**

Rental cars should not be used unless approved and provided for by the host agency. In the case of a DNRC Direct or County Assist incident, the Line Officer must approve all rental vehicles. Rental vehicles cannot be reimbursed unless there is a resource order and each vehicle has an "E" number. Make arrangements through the ordering dispatch center for transportation to and from an incident.

C. STATE OF MONTANA OTHER THAN DNRC

1. **National Guard**

- a. National Guard will only be used when activated by executive order of the Governor. The Montana Guard is a State resource and will be ordered through DNRC channels for all incidents including federal support.

All requests for National Guard support will go through the DNRC Direct State Fire Coordinator at the Northern Rockies Coordination Center (NRCC), Missoula. The DNRC State Direct Fire Coordinator will contact the Disaster and Emergency Services (DES) on-duty officer. DES will then contact the Governor's office, and the Governor's office will issue an executive order proclaiming a state of emergency. Use and coordination of Guard equipment and personnel will be managed through the usual channels.

The state of emergency will be based on one or more zones and includes all counties listed in each zone below (see map and executive order in Appendix A of this manual). When an emergency is declared, all counties in a zone will be included in the executive order.

Each declaration of emergency will be in effect for 20 days. Use of National Guard Armories and Fort Harrison does not require a declaration of emergency. For more information see Montana National Guard/Montana DNRC Memorandum of Agreement in the DNRC Fire Administration (200) Manual or the following website:

<http://dnrc.mt.gov/forestry/fire/business/Documents/2005MTNGAgreement.pdf>

b. National Guard Pay and Allowances

See the Montana National Guard Emergency Operations Plan (PBTEMPO Rates Section in the MTNG/MTDNRC MOA).

c. Payroll and Per Diem Procedures for National Guard

All time is kept by the National Guard designated member and will be forward to Department of Military Affairs (DMA) according to their rules and regulations. Mark any timekeeping documents clearly as National Guard and include military rank of individual. National Guard personnel are paid a daily rate.

NOTE TO FIRE FINANCE OFFICERS: National Guardsmen must not be granted commissary privileges in the same manner as EFFs. Commissary must be on cash or credit card basis.

Travel per diem is reimbursed according to State of Montana rules and regulations.

d. Reimbursement

The Department of Military Affairs will bill DNRC for all federal- and State-supported fires. DNRC reimburses DMA through a No-Warrant Transfer of Funds, and then DNRC bills the federal agencies' for the support to their fires.

2. **Other Montana State Agencies**

Employees of other Montana State agencies may be employed by DNRC on a reimbursable basis to assist on DNRC fires. DNRC will only reimburse another agency for the overtime of an individual, travel expenses and pre-authorized items, i.e., supplies and materials. (See Montana Operations Manual, Volume 2, Chapter 8300, Disaster and Emergency Expenses, effective date 7/1/2005. See website <http://www.discoveringmontana.com/doa/doaforms/accountingforms/>).

a. **Procedures**

- 1) Record all DNRC fire work time for the other agency individual and/or equipment. Mark any timekeeping documents clearly with the other agency name and home office address.
- 2) At the conclusion of the DNRC fire assignment, the completed and approved original F-317 (OF-288) EFF Time Report (and/or the F-323 [OF-286] Emergency Equipment Use Invoice, which could be used if the other agency has no regular equipment use reporting system) shall be given to the other agency official for further processing within the other agency. The IMT Finance Section Chief must also send copies of these documents to the DNRC State Fire Fiscal Officer, Fire and Aviation Management Bureau/Forestry Division, Missoula for later verification of other agency billing.
- 3) The Central Services Division Administrator must advise the other agency official that the other agency must bill DNRC Fire and Aviation Management Bureau in Missoula for any personnel overtime only (NOT base time) and/or equipment use charges at the other agency appropriate regular rates, using the DNRC timekeeping forms provided. DNRC Fire Fiscal Officer, Fire and Aviation Management Bureau/Forestry Division, Missoula will verify the billed charges through the responsible Land Office and forward the bill to Central Services Division, Helena to reimburse the other agency for overtime, supplies and materials and equipment use charges.

D. FEDERAL PERSONNEL

1. **General**

In general, the salary or wages of federal personnel, including emergency firefighters hired by federal agencies for DNRC use (e.g., Montana Indian Firefighters and others) are billed to DNRC by the sending federal agency under the provisions of existing cooperative agreements (see Chapter 350 of this manual). Federal billings are at the actual cost to the sending agency for compensable travel and work time, including premium pay if and when premium pay is earned, under the policies, laws or rules governing the employees of the sending agency.

Most federal agencies which are involved in wildland management, and therefore likely to cooperate with DNRC in fire suppression, comply with the policies and practices in NWCG Interagency Incident Business Management Handbook (also known within the Forest Service as FS Handbook 5109.34). DNRC Line Officers, Incident Business Advisors and fire fiscal personnel should therefore be aware of the provisions of the Interagency Handbook, since these provisions generally govern federal employees on DNRC fires, and accordingly govern the federal billings later presented to DNRC for payment.

2. **Other States' Employees**

Employees of other states may be dispatched by cooperating federal agencies or under State to State Compact orders to DNRC fires. These imported State crews can appear under two very different employment situations, depending on the State-federal cooperative agreement and/or compact rules at the sending unit.

E. MONTANA COUNTIES

1. **Cooperative Counties**

Detailed guidelines are shown in DNRC Fire Suppression 900 Manual, Section 935. In general, county crews and-equipment, including adjacent counties under cooperative mutual aid agreement with the county experiencing the fire, will NOT be paid by the State. Such expenditures remain a county responsibility. County forces should be utilized, where practical, before private assistance is hired onto the fire. DNRC County Fire Advisors (CFA) may recommend hiring adjacent and non-adjacent county forces whenever economical.

DNRC may hire county forces as **EFFs** or equipment from areas beyond or not covered by mutual aid agreements with the county experiencing the

fire. Note that this hiring capability is not to be used as a planned alternative to the desirable practice normally expected by DNRC, whereby cooperative counties are expected to execute mutual aid agreements with adjacent counties.

F. RURAL FIRE DISTRICTS, VOLUNTEER FIRE COMPANIES, MUNICIPAL FIRE DEPARTMENTS AND FIRE SERVICE FEE AREAS

1. **Within Cooperative Counties**

Within cooperative counties, any agreements with rural fire districts, volunteer fire companies, municipal fire departments and fire service fee areas will be with the cooperative county and not directly with DNRC. Any rural fire district, volunteer fire companies, municipal fire departments and fire service fee areas activities will be considered by DNRC as a county activity and handled as described in Section 312 E. (Montana Counties) above.

2. **Within DNRC Direct Protection Areas (Affidavit Unit or Forest Fire District)**

Outside of cooperative county protection and within established rural fire district, municipal fire departments, fire service fee areas, DNRC or its federal fire protection contractors (acting through DNRC) may enter directly into cooperative mutual aid agreements with rural fire districts, volunteer fire companies, municipal fire departments and fire service fee areas. Any payment for such services will be as described in the appropriate agreement (reference Chapter 350 of this manual).

G. PRIVATE SECTOR

1. **Private Industry**

In most cases established private firms, especially larger forest industry companies such as Plum Creek Timber and others, bill DNRC directly for both labor and equipment provided by the company, using current company pay rates. When labor is paid directly by a private firm (NOT through DNRC EFF employment procedure) the private firm must provide worker's compensation coverage for its employees as required by Montana State law. DNRC verifies the company bill as to hours worked and pays the bill. Time worked on DNRC fires will be recorded on regular DNRC timekeeping forms clearly marked "To be paid by (name) Company." One copy of the completed timekeeping form will be given to the company official in charge to support company billing. One copy of the completed timekeeping form will be forwarded to the State Fire Fiscal Officer, Fire

and Aviation Management Bureau/Forestry Division, Missoula for verification of company billing.

An alternate acceptable practice is DNRC direct hire of company employees and/or equipment at appropriate DNRC EFF pay rates. Exceptions to DNRC EFF rates can be made when dozer operators or other specialized equipment operators are able to furnish a current union membership card. Under these conditions these equipment operators may be paid current union wages.

Montana DNRC is not authorized to procure fare tickets, rentals, lodging, or give travel advances for private contractors or their employees. This includes mobilization to and demobilization from emergency incidents. DNRC may reimburse contractors for travel costs per contract provisions.

2. **Contract Crews**

In addition to the procedures described above, Land Offices may also make pre-season arrangements for contract crews from such sources as logging operators, mill operators, planting or thinning contractors, road construction contractors, etc. Land Offices will negotiate and document pay rates prior to use, depending on the type of firefighting duties expected and the experience of the crew. Time recording will be as described in the NWCG Interagency Incident Business Management Handbook, Chapter 10, Section 13.6 (Exhibits 02-13).

Among the requirements for a contract crew is the requirement that the contractor (not DNRC) provides worker's compensation coverage for the contractor's employees as required by Montana State law. The contractor's worker's compensation coverage must include any work done under contract for DNRC, including firefighting. If a contractor fails to provide worker's compensation for work done under contract for DNRC, the contract is void.

DNRC must be billed for the services of this type of crew. The contractor must submit completed time reports along with billing for payment. Out-of-region contract crews should come with a contractor representative who understands the contract and procedures for hiring and payment of this type of crew, i.e., State of Oregon Contract Crews. Order a contractor representative immediately if one does not arrive with the crew. Do not pay this type of contract. All paperwork must be returned to their home unit, where payment will be made.

H. LOCAL GOVERNMENT FIREFIGHTERS

Local government fire department personnel may be hired as EFFs. The pay grade shall be specified on the EFF Time Report (OF 288) according to the NWCG Interagency Incident Business Management Handbook, Chapter 10, Section 13.6, Exhibit 01 – Pay Plan, DNRC Pay Plan for Emergency Firefighters. Fire departments may elect to contract their manpower and equipment, which is acceptable, but contractors must provide all employee coverage. Local government fire department personnel hired as EFFs will be covered by workman's compensation insurance, paid by the employer (DNRC).

See NRCG Mobilization of Local Firefighting Resources (2005 Revision)

See NWCG Interagency Incident Business Management Handbook, Chapter 50, for options in hiring local government firefighters and equipment.

313 TIMEKEEPING

See NWCG Interagency Incident Business Management Handbook, Chapter 13.6, for timekeeping procedures.

A. COMMON TIMEKEEPING PROBLEMS

There is much more to timekeeping than merely recording time. A good time recorder is alert to troublesome phases of the work that develop and must constantly watch and plan to meet emergencies. The following are common timekeeping problems:

1. Landowners and Local Residents on Line When Crew Arrives

Landowners and local residents often go directly to a fire when they see smoke and are on the line when regular crews arrive. These individuals are among the agency's finest cooperators, and if the line officer makes a decision to pay these cooperators, i.e., Plum Creek, Baucus Ranch, Eastern Montana ranchers, etc. their time needs verification by responsible officials. These individuals should report to the Time and Equipment Recorders when they come off the line, but often they do not. Every effort should be made to obtain their time and record it.

2. Employees Moving From One Fire Camp to Another on Same Fire

The fire may become so large that several camps are established, with employees checking out of one camp and into another. The Finance Section must keep itself informed of these transfers. The Division Supervisors, Hand Crew Bosses, and other Operations Section supervisory

personnel also have certain responsibilities in these transfers. When these transfers occur, the following procedures shall be followed:

- a. If the transfer was planned in advance, the individual time reports (and related crew time reports when applicable) are sent to the receiving camp in a sealed envelope by messenger, Hand Crew Boss, or by another responsible officer. Post all commissary issues before transferring the time reports.
- b. If the transfer was not planned in advance, the Finance Section in the receiving camp should immediately inform the Finance Section at the sending camp of the transfer. Process the transfer as in a. above.
- c. Occasionally individuals or a crew will move into a different camp overnight because they were nearer this camp than their own. When this occurs, the Hand Crew Boss sends the old crew time report to the home camp by messenger or other means with a note explaining the situation. Commissary issues to this crew during the evening should be handled by transferring the value of these items to the home camp on the Commissary Issue Record.

3. **Employees Moving from One Fire to Another Fire on the Same Unit or to a Fire on Another Unit Within Area of DNRC Responsibility**

When individual organized crews move to or from project fires prior to being paid off, or to a fire on another DNRC unit, the following procedure should be followed to the fullest extent practicable:

- a. Time reports for the initial fire are completed and signed by the Time Unit Leader. Enter the time of departure in the "Start" column under an unused "Fire Name" column grouping on the same F-317 (OF-288) fire time report, or on a new F-317 (OF-288) fire time report. When entire crews are moved, the supporting Crew Time Reports are also sent to the receiving fire. A supervisory employee should deliver the time reports to the new fire in a sealed envelope.
- b. Upon receipt of the time reports at the receiving camp, enter the arrival time in the "Stop" column of the F-317 (OF-288) time report. Regular time reporting procedures should be followed thereafter.
- c. When employees are released from the final fire, ensure that all fire time, commissary issues, and accountable property are

accounted for, recorded, and approved by the responsible Time Officer. Record return travel time on the final time report.

4. **EFF Employees Moving Outside Area of DNRC Responsibility**

Organized crews of Emergency Firefighters are normally paid off at the conclusion of their DNRC firefighting assignments by check mailed to home address. Finance Section Chiefs and Time Unit Leaders need to be aware of the arrangements made with the crews well in advance of moving any of them to another fire. When crews are being sent to another fire outside areas of DNRC responsibility, their time reports are closed out and transmitted to the last DNRC fire Land Office for payment processing. Do not send these DNRC time reports to the other agency fire. New crew and EFF time reports are started at the new assignment. These new reports could be started by DNRC if time permits doing so, but this is basically a receiving agency responsibility.

5. **Field Dismissals**

An "X" in the upper right corner of the firefighter's conditions-of-hire page is the code indicating that the foreman sent the employee in to be discharged for good and sufficient reasons. If the employee does not know this, adroit means should be taken to get the individual out of camp with the least trouble possible. When necessary, discuss each case with the officer in charge.

6. **Armed Forces Members**

There are no legal restrictions for DNRC EFF employment of active-duty members of U.S. armed forces. Such employees must be physically and otherwise qualified for any EFF duties they may be assigned.

Note there is a federal prohibition against federal (not DNRC) EFF hire of active duty members of U.S. armed forces.

7. **Vacating Job Without Notice**

Occasionally an employee will check out for work on the line and will vacate the job without bothering to check back through the Time Recorder. Review all time reports with sufficient frequency so that all cases of disappearance can be checked without undue delay. The possibility always exists that a long overdue employee was hurt and is still out on the line. An investigation may save his life. Report all suspected cases to the supervisor.

8. **Lost Identification Number**

When an employee loses his F-317 (OF-288) identification number, search through time reports and obtain the identification number off his time reports. Then tear out the conditions-of-hire page from an unused time report, indicate thereon the number of the original time report in the file, and sign or initial so that when the identification number is checked as the employee checks in and out in the future, the authenticity can be quickly determined. Note the original time report to reflect issuance of a duplicate identification number.

9. **Show Identification Number for Check**

Some firefighters may quote their number from memory. Make each individual actually show the time report identification number.

314 COMMISSARY

See **NWCG Interagency Incident Business Management Handbook, Section 14 – COMMISSARY.**

315 COMPENSATION FOR INJURY

A. **AUTHORITY**

The authority for the entire DNRC Safety Program is DNRC Policy No. 3-0001 (being revised). See the DNRC Employee Safety Program Guidelines, 2001 Revision). This formal DNRC policy applies to all DNRC operations, including fire suppression.

B. **PROCEDURES**

Procedures covering State employees, to include local government forces, on both State and federal fires are described in the NWCG Interagency Incident Business Management Handbook, Chapter 50. (See Appendix A of this manual for State Fund form and instructions and Supervisor's report.)

Procedures covering employees of cooperating federal agencies used on DNRC fires are described in the NWCG Interagency Incident Business Management Handbook, Chapter 10, Section 15.

The federal government has provisions to pay vendors directly on initial injuries (APMC). The State of Montana does not. DNRC employees on federal fires receiving this type of compensation must still complete State claim forms for their own protection.

316 PERFORMANCE EVALUATIONS

See the NWCG Interagency Incident Business Management Handbook, Chapter 10, Section 16, - Training/Performance, NWCG Qualifications Guide 310.1 and the DNRC Training – 1100 Manual.

As the Northern Rockies Coordinating Group (NRCG) moves toward “Best Value” contracting, performance evaluations will be required on all private contractors.